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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,269	04/18/2007	Yasushi Kobuchi	2691-000043/US	1344
30/593 7590 10/04/2011 HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195				
EXAMINER				
ROE, CLAIRE LOUISE				
ART UNIT		PAPER NUMBER		
1727				
MAIL DATE		DELIVERY MODE		
10/04/2011		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/582,269

**Applicant(s)**

KOBUCHI ET AL.

**Examiner**

CLAIRE L. ROE

**Art Unit**

1727

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 August 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 5) ☒ Claim(s) 2-4, 6-11, 33 and 34 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 2-4, 6-11, 33 and 34 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 09 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-SB-005)  
Paper No(s)/Mail Date \_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 10, 2011 has been entered. Claims 2-4, 6-11, & 33-34 are pending and are rejected for reasons discussed below. Claims 2 and 6 have been amended. Claims 1, 5, and 12-32 are cancelled.
2. The claim rejections under 35 U.S.C. 103(a) as being unpatentable over Reeder in view of Yamamoto et al. on claims 2 and 33 are withdrawn, because Applicant's amendments and argument are persuasive. The claim rejections under 35 U.S.C. 103(a) as being unpatentable over Reeder in view of Yamamoto et al. and Kaneko et al. on claims 3-4, 6-7, 8-11, and 34 are withdrawn, because Applicant's amendments and argument are persuasive.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 2-4, 6-11, & 33-34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The new limitation of "the outer periphery bent in one of the U-shape and the V-shape having a base that is wider than the vertex" is not supported by the original disclosure. The original disclosure provides support for the concept of a sealing projection having a U-shaped or V-shaped sectional profile (Specification, paragraphs 28, 31, 44, 47, & 74) or having an arc-shape (paragraphs 23, 25, 38, & 41; Figures 2 & 3A-3B), but fails to provide support for a sealing projection having a U-shape having a base that is wider than the vertex.

6. Claims 2-4, 6-11, & 33-34 are still rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2 and 6 each contain the limitations "the sealing section is composed of the metal sheet and the resin layer... the metal sheet having an outer periphery bent in one of a U shape and a V shape, and provided with a sealing projection..." (claim 2: lines 13-16; claim 6: lines 14-16) and "the sealing projection has a U-shaped or V-shaped sectional profile..." (claim 2: line 20; claim 6: line 21) which are indefinite

because it is unclear exactly how the outer periphery bent in a U-shape or V-shape and the sealing projection having the U-shape or V-shaped sectional profile physically relate to each other. The way claims 2 and 6 are currently worded, it is unclear if the outer periphery bent in one of a U shape and a V shape is the same as the sealing projection having a U-shape or V-shaped sectional profile, or if they are two separate portions of the metal sheet. For Examination purposes, these limitations are interpreted as meaning to state that the metal sheet has an outer periphery bent in a U-shape thus providing a region corresponding to the sealing section with a sealing projection.

### **Response to Arguments**

#### **Claim Rejections - 35 USC § 112**

7. Applicant's arguments with regard to the rejections of claims 2-4 and 6-11 under 35 U.S.C. §112, second paragraph, filed on July 11, 2011, have been fully considered and the Examiner's rejections objections are withdrawn due to the Applicant's amendments and arguments.

However, claims 2-4, 8-11, & 33-34 are still rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention (see above for details).

Furthermore claims 6-7 are now rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention (see above for details).

#### Double Patenting

8. Applicant's arguments with regard to the provisional obviousness-type double patenting rejection over copending Application No. 10/579,067, filed on July 11, 2011, have been fully considered and the provisional obviousness-type double patenting rejection is withdrawn due to the Applicant's amendments and arguments.

#### Claim Rejections - 35 USC § 103

9. Applicant's arguments with respect to claims 2-4, 6-11, & 33-34, filed on July 11, 2011, have been considered but are moot in the view of the new ground(s) of rejection. The new grounds of rejection are necessitated by the Applicants amendment and all arguments are directed toward the added feature of "the outer periphery bend in one of the U shape and the V shape having a base that is wider than the vertex" (amended claims 2 and 6).

#### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CLAIRE L. ROE whose telephone number is (571)272-9809. The examiner can normally be reached on Monday, Wednesday, Friday, 6:30AM - 4:00PM, EST and Tuesday, Thursday, 11:30AM - 6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Barbara Gilliam can be reached on 571-272-1330. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. L. R./  
Examiner, Art Unit 1727

/Barbara L. Gilliam/  
Supervisory Patent Examiner, Art Unit 1727